

REMARKS

STATUS OF CLAIMS

Claims 24, 26, 32, 45, 46, and 48 were previously pending and stand rejected.

No new matter has been added.

INCOMPLETE OFFICE ACTION: NEW ACTION REQUIRED

The Final Office Action mailed 12/8/2009 is incomplete because it does not address all of Applicant's prior arguments.

MPEP 707.07(f) states that "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it".

Furthermore, the MPEP makes it clear that where a new reference is added to a rejection (as in the Final Office Action of 12/8/2009), the mere addition of a new reference does by necessity moot all of an applicant's prior arguments. To the contrary, the MPEP clearly states that in the case where a new reference is added, "The examiner must, however, address any arguments presented by the applicant which are still relevant to any references being applied." For example, suppose claim 1 recites limitations "A" and "B", and reference "X" is cited against both features. Applicant presents a first argument based on limitation "A", and a second argument based on limitation "B". Suppose then the examiner adds reference "Y" that meets limitation "A", but again meets limitation "B" with reference "X". According to the MPEP, the examiner must still answer the second argument because the addition of reference "Y" does not moot the still-relevant argument concerning limitation "B" (to which "X" is still applied).

In the instant application, applicant presented several arguments that are still relevant

and were not mooted by the addition of Ron (e.g., arguments concerning Grunwald). These arguments, listed briefly next, and presented again below, must be addressed by the Office.

In the Office Action of 4/14/2009, at page 3, last 4 lines, and page 4, lines 1-7, the Office cited Grunwald (para. 22, lines 1-4) as teaching the last element of claim 24 ("simplifying ..."). In the Amendment of 8/14/2009, Applicant specifically addressed this part of the rejection, explaining in detail how Grunwald fails to teach the "simplifying" element of claim 24 (see page 7, line 9, to page 8, line 1, e.g., "Grunwald, at best, discusses removing a user interface element from view").

The Office has not responded to this argument, and yet the same "simplifying" element is again rejected based on the same portion of Grunwald (para. 22, lines 1-4). Applicant's argument regarding Grunwald has not been mooted by the addition of Ron. As required by the MPEP, the Examiner "must ... address any arguments still relevant to any references being applied".

In the 8/14/2009 Amendment, regarding claim 24, Applicant also argued that Grunwald was non-analogous art (page 8, lines 2-7). The Examiner has not addressed this argument, and the addition of Ron does not moot the argument. This argument is now also applicable to claim 48. As required by the MPEP, the Examiner "must ... address any arguments still relevant to any references being applied".

Applicant requests a new Office Action addressing previously presented arguments that are still relevant to the present rejection.

REJECTIONS UNDER 35 USC § 103

Claims 24, 26, 32, 45, and 46 are rejected as obvious over Roskind in view of Grunwald and Ron. Claim 48 is rejected as obvious over Roskind in view of Grunwald. The rejections are

traversed for the following reasons.

Claim 24

Claim 24 also recites that the simplifying involves removing, from one of the *arbitrary* applications, advanced configuration options. Grunwald, at best, discusses removing a user interface element from view. However, removing a user interface element from view is not the same as disabling an advanced configuration option that is *settable* by the user. The cited parts of Grunwald describe changing between user interface modes, where one mode may have fewer controls displayed. However, one of ordinary skill in the art of computer programming will appreciate that merely not-displaying a control does not imply that the functions invoked by that control are disabled (for example, a minimized window is only hidden but remains fully operational). In fact, paragraph 0022 of Grunwald explicitly states that the embodiment is intended only to minimize user interaction for *achieving predefined goals*. The goals achieved, and presumably the program functionality for same (whether configuration settings or otherwise), are not disabled, but are instead made easier to use. Grunwald has no mention of actually disabling advanced configuration options. It should be noted that claim 24 recites that the configuration options are of a type that affect behavior of the application, and the removing of same causes the user to not be able to configure the options. Grunwald has no mention of causing a configuration option to go from a settable state to an unsettable state.

Withdrawal of the rejection is respectfully requested.

The rejection is also traversed because the cited references are non-analogous art. Ron relates to monitoring biosignals and providing feedback to help a user learn to control emotional state. Grunwald relates to ultrasound devices and software for operating same. The user interface simplification of Grunwald would have no benefit in Ron, which has no description of a graphical user interface. There is nothing in Ron which suggests a complex

user interface that would benefit from simplification.

Withdrawal of the rejection is respectfully requested.

The rejection is further traversed because there is no reason why one of ordinary skill would combine Ron with Roskind. The purpose of Roskind is to monitor the environment of a mobile device in order to adapt its mode of user interaction ("automatically change the notification mode used by a mobile communications device ... the notification mode is changed in response to a detected environmental condition", Abstract). The purpose of Ron is to provide a particular form of biofeedback control ("The invention offers a method by which a subject can learn to control or modify his speech characteristics by bringing his mind into a required emotional state"). Ron involves using biofeedback to control emotional state.

In sum, Roskind is about automatically adapting a device to its environment, and Ron is about controlling emotional state. The two references are from completely different areas of technology. And yet the rejection offers only that Ron would be obvious to add to Roskind in order "to control fear or anxiety of a user as taught by Ron in Roskind et al., so that the user can, by changing his voice, modify the audio-visual scenario so as to reflect fear, if he so wishes". The reason given is nothing more than a direct quote from Ron. The quote does not speak to Roskind, nor does the Examiner's explanation. The reason given for the modification – to allow modification of an audio-visual scenario – is has no application for Roskind, which has no audio-visual scenario to be modified. The rejection proposes modifying Roskind to modify something that Roskind does not even have.

In sum, the rejection reasons that one would desire modifying *Roskind* in order to modify an audio-visual scenario, yet Roskind has no such scenario. The reasoning for the proposed combination only discusses Ron and has no discussion of Roskind. There is no explanation provided on why or how one would have desired to improve Roskind. There is no

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mention of any problem with Roskind that Ron would solve.

Withdrawal of the rejection is respectfully requested.

Claim 48

The arguments above with respect to claim 24 are applicable to claim 48.

Dependent Claims

The dependent claims are allowable based on their dependence from allowable claims, discussed above.

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CONCLUSION

The present application is in condition for allowance. A prompt action to such end is requested.

Should any fees be required in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-0463.

If the Examiner believes a telephone interview would be helpful to expedite prosecution, the Examiner is invited to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,
Microsoft Corporation

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